

## Latest Update on Land Acquisition Act

### Land Acquisition Act passed in Odisha

30 September 2023: In a recent development, the Odisha government has recently passed the land acquisition and resettlement bill. Using the Land Acquisition Act, the Odisha state government will be able to exempt strategic projects and industries from Social Impact Assessment requirements. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Odisha Amendment) Bill, 2023, was introduced earlier but was withdrawn due to heavy criticism. The Land Acquisition Act allows the state government to make special provisions to exempt an industry from social impact assessment. The Right to Fair Compensation and land acquisition act is a central act. It was passed in 2014. With an intention to bring in private investments, the Odisha government is allowing exemptions from Social Impact Assessment, which are mandatory under the central act. In order to generate employment and develop infrastructure, the Odisha government has passed the Land Acquisition Act with state-specific tweaks.

#### About Land Acquisition Act

The Land Acquisition Act 2013 is a law enacted by the Indian government to outline the process for acquiring land for public purposes. Land acquisition is done for infrastructure projects, industrial development, or urbanization purposes. The main aim of the Land Acquisition Act 2013 is to ensure that the process of land acquisition is transparent and fair to all parties involved.

The Land Acquisition Act provides a clear definition of public purpose. It specifies the procedure for acquiring land. The Act mandates that the government must get the consent of landowners before acquiring their land. It also makes a provision for social impact assessment to determine the potential impact of the acquisition on the community.

The Act further outlines the process for determining the compensation to be paid to landowners. It must be based on the market value of the land affected by the acquisition. Besides, the Land Acquisition Act 2013 provides for the rehabilitation of affected persons. The rehabilitation includes the provision of housing, employment, and other forms of support.

#### Key Features of the Land Acquisition Act

The Land Acquisition Act 2013 has several key features that distinguish it from previous land acquisition laws in India.

**Consent:** One of the most significant features is the need to obtain the consent of landowners before acquiring their land. This provision aims to ensure that the interests of landowners are taken into account during the acquisition process.

**Social Impact Assessment (SIA):** The Act mandates the conduct of an SIA to determine the impact of the acquisition on the local community. This provision helps to identify and mitigate any adverse effects on the livelihoods of the affected community.

**Compensation:** The Act provides for the payment of compensation to landowners based on the market value of the land. The Act also provides for the rehabilitation and resettlement of affected persons. It includes the provision of housing, employment, and other forms of support.

**Time Limit:** The Land Acquisition Act 2013 specifies a time limit of five years for the completion of the acquisition process. Beyond this, the acquisition is deemed to have lapsed. This provision aims to prevent delays in the acquisition process. It ensures that land is acquired only for necessary and urgent public purposes.

#### Impact of the Land Acquisition Act 2013

The Land Acquisition Act 2013 has had a significant impact on various stakeholders. It includes farmers, landowners, developers, and the wider community. One of the key benefits of the Act has been the increased awareness and participation of landowners in the acquisition process.

The Land Acquisition Act 2013 has also led to an improvement in the compensation and rehabilitation provisions. It ensures that they receive fair compensation for their land and are supported during the

transition period.

However, the Land Acquisition Act 2013 has also faced criticism with regard to the adequacy of compensation. Some landowners have also complained about the lack of transparency and fairness in the process.

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Criticisms and Controversies around Land Acquisition

Land Acquisition for industrial projects has also been criticized for its adverse impact on the environment and the displacement of communities.

Many of the projects have been located in ecologically sensitive areas. It leads to deforestation, pollution, and loss of biodiversity. The displacement of local communities has also led to social and economic disruptions. The affected persons often lose their homes, lands, and livelihoods.

One of the most high-profile controversies surrounding land acquisition in India is the case of the Narmada Dam project. The Narmada Dam is a large hydroelectric and irrigation project located on the Narmada River in central India. The project involved the construction of several large dams, canals, and reservoirs. It required the acquisition of large tracts of land from local communities.

The project has faced strong opposition from local communities. They argued that the project would lead to the displacement of over a million people. And the destruction of ecologically sensitive areas. The project was also criticized for its impact on the livelihoods and culture of local communities.

The Narmada Dam controversy highlighted the conflicting nature of land acquisition in India.

While the government argues that land acquisition is necessary, local communities argue otherwise. They say that the land acquisition should be subject to greater consultation.

The Vedanta Land Acquisition Controversy

One of the most controversial land acquisitions in India was related to the Vedanta Group. It had plans to mine bauxite in the Niyamgiri Hills of Odisha. The project involved the acquisition of land from local indigenous communities. These communities have been living in the area for centuries and depend on the hills for their livelihoods.

The Vedanta Group had proposed to mine bauxite from the Niyamgiri Hills to feed its alumina refinery in the nearby town of Lanjigarh. However, the project was opposed by local communities and activists. They argued that the project would destroy the ecology of the hills, displace local communities, and violate their rights.

The controversy over the Vedanta project began in 2003. This year, the company signed an agreement with the Odisha government to mine bauxite from the Niyamgiri Hills. The land acquisition from local communities began in 2004. The government claimed that the land belonged to the state.

However, local communities and activists challenged the acquisition in Court. They argued that the land was their traditional homeland and that they had not been consulted about the project. In 2010, the Ministry of Environment rejected Vedanta's proposal to extract bauxite from the Niyamgiri Hills. The rejection cited violations of environmental and tribal rights laws.

Vedanta challenged the decision in Court. In 2013, the Supreme Court of India ruled that the decision to allow mining should be left to the local communities. The Court directed the Odisha government to hold a referendum among the local communities.

In August 2013, the referendum was held, and the local communities rejected the Vedanta project. Citing concerns over environmental degradation and violations of their rights. The rejection of the project was a major victory for the local communities and activists.

#### Future of Land Acquisition in India

The Land Acquisition Act 2013 has brought significant changes to the land acquisition process in India. However, there are still areas where the Act can be improved to make the process more transparent, fair, and efficient.

One potential area for improvement is the use of technology to streamline the acquisition process. The government could leverage digital platforms to simplify the application and approval process. This would also help to reduce the time and cost involved in land acquisition.

Another area for improvement is the need to balance development with the rights and needs of landowners and communities. While the Act provides compensation to the affected persons, there is still a need for greater accountability.

The Land Acquisition Act 2013 could also be amended to provide greater clarity on the definition of public purpose. Finally, there is a need for greater monitoring of the acquisition process to prevent corruption. This could be achieved through an independent regulatory body to oversee the acquisition process.

#### Other Updates

Mumbai High Court Directs the State government to Compensate Farmers who went to Lok Adalats

26th July 2023. In a recent development, the Bombay High Court has scolded the Maharashtra state government to compensate the farmers whose land was acquired for various infrastructure purposes in 2017. The High Court has highlighted that such treatment would incite anti-state feelings in the farmers and compel them to protest.

The High Court has directed the authorities to adequately compensate the farmers whose land was acquired between 2017-2019. The High Court has asked the authorities to pay compensation within 45 days to those, who have received partial payment, within 90 days for those who are yet to receive any amount, and within 180 days to those whose lands were acquired as per a state government resolution of

July 2021. The concerned farmers reached the Lok Adalats in 2017 for the resolution of their cases.

The Right to Challenge Land Acquisition lies only with the Original Owner, Not with Subsequent Buyers:  
Supreme Court

According to a recent judgement related to the land acquisition, the Supreme Court of India has given a judgement that only the original owner of the land has the right to challenge the land acquisition. A person who has bought the land afterwards does not have any right to challenge the land acquisition process.

While giving the judgement, the Supreme Court has given the reference to the Godfrey Philips Vs Shiva Kumar case and given the judgement that a person must be the original owner of the land to challenge the land acquisition. While giving the judgement, the Supreme Court also quashed the judgement given by the High Court, which upheld the land acquisition and considered the process complete.

Summing up Land Acquisition Act 2013

In conclusion, the Land Acquisition Act 2013 has brought significant changes to the land acquisition process in India. While the Act has its critics, it has also provided greater protection and support to landowners and affected persons. However, there is still a need for more reforms to ensure that the acquisition process is transparent and fair. The Act must ensure that the rights and needs of local communities are taken into account.

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Frequently asked questions

What is the Land Acquisition Act 2013?

The Land Acquisition Act 2013 is a law passed by the Indian government. It regulates the acquisition of land for infrastructure projects, railways, and airports.

What is the purpose of the Land Acquisition Act 2013?

The Act is meant to ensure fair compensation and rehabilitation for landowners whose land is acquired. The law also seeks to minimize the involuntary displacement of people as a result of land acquisition.

Who is responsible for implementing the Land Acquisition Act 2013

The responsibility for implementing the Land Acquisition Act 2013 lies with the state governments. It is required to follow the guidelines set out in the law when acquiring land for public purposes.

What is the process for acquiring land under the Land Acquisition Act 2013?

The process for acquiring land under the Land Acquisition Act 2013 involves several steps. It includes a

social impact assessment, public consultation and giving fair compensation.

What are the benefits of the Land Acquisition Act 2013?

This Act of 2013 provides benefits like fair compensation, rehabilitation, transparency and the protection of community rights.